

REMARKS

Claims 1-13, 16-32, 43-44, 51-55, and 58-59 have been canceled without prejudice.

New Claim 64 has been added based on the disclosure at page 63, lines 19-20.

Claims 14-15, 33-42, 45-50, 56-57, and 59-64 are now in the application.

Claims 14-15, 33-42, 45-47, and 49-50 have been amended to ultimately depend from Claim 56.

Claim 56 has been amended to incorporate the limitation from Claim 13.

Claim 61 has been amended to add a period at the end of the claim.

Claim 63 has been amended to delete the term "optionally".

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made".

Restriction / Election

Applicants previously elected Group I, the shape retention polymers of Claim 13, with traverse. Applicants have now limited the claims, as presently amended, to the elected shape retention polymers. Applicants reserve the right to pursue non-elected inventions in divisional applications.

Rejections under 35 U.S.C. § 112

Claims 1, 12-15, 33-42, 44-57, and 59-63 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to distinctly claim the invention. Applicants respectfully traverse these rejections. The claims are allegedly indefinite because of the phrase "weight average diameter". Claim 55 is indefinite for failing to further limit the subject matter of a previous claim. Applicants have now canceled Claims 1-13, 16-32, 43-44, 51-55, and 58-59 without prejudice and have added new Claim 64 based on the disclosure at page 63, lines 19-20. Applicants submit that the claims are now definite under 35 U.S.C. § 112, second paragraph.

Rejections under 35 U.S.C. §§ 102, 103

Claims 1, 12-15, 33-38, 44-46, 51-53, and 55 have been rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative under 35 U.S.C. § 103(a) as obvious over, Vogel et al., U.S. Patent No. 5,798,107. Applicants have canceled Claims 1, 12-13, 44, and 51-53, and 55 without prejudice. Claims 14-15, 33-38, 42, and 45-46 have now been

amended to ultimately depend from Claim 56. Applicants therefore submit that this rejection is now moot.

Claims 39-42, 49, and 50 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vogel et al. Claims 39-42, 49, and 50 have now been amended to ultimately depend from Claim 56. Applicants therefore submit that this rejection is now moot.

Claims 1, 12-15, 33-42, 44-48, and 51-55 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Trinh et al., U.S. Patent No. 6,001,343. Claims 1, 12-13, 44, and 51-55 have been canceled without prejudice. Claims 14-15, 33-42, and 45-49 have now been amended to ultimately depend from Claim 56. Applicants therefore submit that this rejection is now moot.

Claims 49, 50, and 56-63 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Trinh et al. Applicants respectfully traverse this rejection. Trinh et al. do not teach or suggest the article of manufacture as presently claimed. Applicants thus submit that Claims 49, 50, and 56-63 are patentable over Trinh et al. under 35 U.S.C. § 103(a).

Double Patenting Rejection

Claims 1, 12-15, 33-42, 44-57, and 59-63 have been rejected under the doctrine of obviousness-type double patenting as being unpatentable over Claims 1-41 of Trinh et al. Once patentable subject matter has otherwise been identified, Applicants will consider filing a terminal disclaimer to obviate this rejection.


CONCLUSION

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claims 1-13, 16-32, 43-44, 51-55, and 58-59 have been canceled without prejudice.

New Claim 64 has been added.

Claims 14-15, 33-42, 45-47, 49, 50, 56, 61, and 63 have been amended as follows:

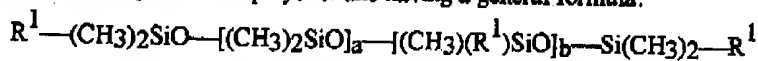
14. (Amended) The [composition] article of manufacture of Claim [13] 57 wherein said monomers of said shape retention polymer are selected from the group consisting of: acrylic acid, methacrylic acid, crotonic acid, maleic acid and its half esters, itaconic acid, and esters of said acids with methanol, ethanol, 1-propanol, 2-propanol, 1-butanol, 2-methyl-1-propanol, 1-pentanol, 2-pentanol, 3-pentanol, 2-methyl-1-butanol, 1-methyl-1-butanol, 3-methyl-1-butanol, 1-methyl-1-pentanol, 2-methyl-1-pentanol, 3-methyl-1-pentanol, t-butanol, cyclohexanol, 2-ethyl-1-butanol, neodecanol, 3-heptanol, benzyl alcohol, 2-octanol, 6-methyl-1-heptanol, 2-ethyl-1-hexanol, 3,5-dimethyl-1-hexanol, 3,5,5-trimethyl-1-hexanol, 1-decanol, 1-dodecanol, and mixtures thereof; methyl acrylate; ethyl acrylate; t-butyl acrylate; methyl methacrylate; hydroxyethyl methacrylate; methoxy ethyl methacrylate; N,N-dimethylacrylamide; N-t-butyl acrylamide; maleimides; vinyl alcohol; allyl alcohol; vinyl acetate; vinyl propionate; methyl vinyl ether; vinyl pyrrolidone; vinyl caprolactam; vinyl pyridine; vinyl imidazole; vinyl amine; diethylene triamine; dimethylaminoethyl methacrylate; ethenyl formamide; vinyl sulfonate; ethylene; propylene; butadiene; cyclohexadiene; vinyl chloride; vinylidene chloride; salts thereof; alkyl quaternized derivatives thereof, and mixtures thereof.

15. (Amended) The [composition] article of manufacture of Claim 14 wherein said monomers of said shape retention polymer are selected from the group consisting of: acrylic acid; methacrylic acid; methyl acrylate; ethyl acrylate; methyl methacrylate; t-butyl acrylate; t-butyl methacrylate; n-butyl acrylate; n-butyl methacrylate; isobutyl methacrylate; 2-ethylhexyl methacrylate; vinyl alcohol; dimethylaminoethyl methacrylate; N,N-dimethyl acrylamide; N,N-dimethyl methacrylamide; N-t-butyl acrylamide; vinylpyrrolidone; vinyl pyridine; adipic acid; diethylenetriamine; salts thereof; alkyl quaternized derivatives thereof, and mixtures thereof.

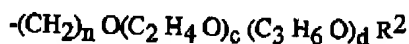
33. (Amended) The [composition] article of manufacture of Claim [1] 57 wherein said composition further [comprising] comprises from about 0.05% to about 5% by weight of the of the usage composition, of surfactant.

34. (Amended) The [composition] article of manufacture of Claim 33 wherein said surfactant is selected from the group consisting of ethoxylated surfactant, silicone surfactant, anionic surfactant, and mixtures thereof.

35. (Amended) The [composition] article of manufacture of Claim 34 wherein said silicone surfactant is polyalkyleneoxide polysiloxane having a general formula:

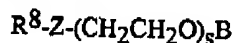


wherein $a + b$ are from about 1 to about 50, and each R^1 is the same or different and is selected from the group consisting of methyl and a poly(ethyleneoxide/propyleneoxide) copolymer group having the general formula:



with at least one R^1 being a poly(ethyleneoxide/propyleneoxide) copolymer group, and wherein n is 3 or 4; total c (for all polyalkyleneoxy side groups) has a value of from 1 to about 100; d is from 0 to about 14; $c+d$ has a value of from about 5 to about 150; and each R^2 is the same or different and is selected from the group consisting of hydrogen, an alkyl having 1 to 4 carbon atoms, and an acetyl group.

36. (Amended) The [composition] article of manufacture of Claim 34 wherein said ethoxylated surfactant has a general formula:



wherein R^8 is an alkyl group or an alkyl aryl group, selected from the group consisting of primary, secondary and branched chain alkyl hydrocarbyl groups, primary, secondary and branched chain alkenyl hydrocarbyl groups, and/or primary, secondary and branched chain alkyl- and alkenyl-substituted phenolic hydrocarbyl groups having from about 6 to about 20 carbon atoms; s is an integer from about 2 to about 45; B is a hydrogen, a carboxylate group, or a sulfate group; and linking group Z is $-O-$, $-C(O)O-$, $-C(O)N(R)-$, or $-C(O)N(R)-$, and mixtures thereof, in which R , when present, is R^8 or hydrogen.

37. (Amended) The [composition] article of manufacture of Claim 36 wherein said ethoxylated surfactant is nonionic surfactant.

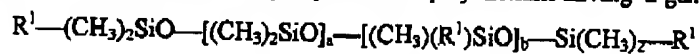
38. (Amended) The [composition] article of manufacture of Claim [1] 57 wherein said composition further [comprising] comprises at least one additional component selected from the group consisting of surfactant, perfume, odor control agent, antimicrobial active, antibacterial preservative, aminocarboxylate chelator, static control agent, insect repelling agent, and moth repelling agent.

39. (Amended) The [composition] article of manufacture of Claim [1] 57 wherein said composition further [comprising] comprises from about 0.1% to about 10%, by weight of said composition, of low molecular weight, water soluble, organic solvent to improve drying rate, selected from the group consisting of ethanol, propanol, isopropanol, and mixtures thereof.
40. (Amended) The [composition] article of manufacture of Claim 39 wherein said low molecular weight, water soluble, organic solvent is present at a level of from about 0.1% to about 5%, by weight of said composition.
41. (Amended) The [composition] article of manufacture of Claim 40 wherein said low molecular weight, water soluble, organic solvent is present at a level of from about 0.1% to about 2%, by weight of said composition.
42. (Amended) The [composition] article of manufacture of Claim 38 wherein said composition is essentially free of short-chain polyhydric alcohols.
45. (Amended) The article of manufacture of Claim [44] 57 wherein said spray dispenser comprises a trigger spray device.
46. (Amended) The article of manufacture of Claim [44] 57 wherein said spray dispenser comprises a pressurized aerosol spray dispenser.
47. (Amended) The article of manufacture of Claim [44] 57 wherein said spray dispenser comprises a non-manually operated spray dispenser.
49. (Amended) The article of manufacture of Claim [44] 57 wherein said container is in association with instructions to use the composition at an effective level on dry wrinkled fabric, [optionally] in combination with stretching and/or smoothing of fabric by hand, to provide effective wrinkle removal.
50. (Amended) The article of manufacture of Claim [44] 57 wherein said container is in association with instructions to use the composition at an effective level on wet or damp wrinkled fabric, [optionally] in combination with stretching and/or smoothing of fabric by hand, to provide effective wrinkle removal.
56. (Amended) An article of manufacture comprising a container which contains a stable, aqueous fabric wrinkle control composition comprising:

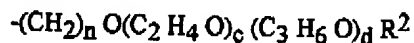
- (A) [an effective amount to control or reduce wrinkles in fabric] from about 0.05% to about 10% by weight of the composition of a wrinkle control agent, [selected from the group consisting of fabric lubricant, shape retention polymer, lithium salts, and mixtures thereof] wherein said wrinkle control agent is a shape retention polymer having a glass transition temperature of from about -20°C to about 150°C; wherein said shape retention polymer comprises monomers selected from the group consisting of low molecular weight C₁-C₆ unsaturated organic mono-carboxylic and polycarboxylic acids; esters said acids with C₁-C₁₂ alcohols; amides and imides of said acids; low molecular weight unsaturated alcohols; esters of low molecular weight unsaturated alcohols with low molecular weight carboxylic; ethers of low molecular weight unsaturated alcohols; polar vinyl heterocyclics; unsaturated amines and amides; vinyl sulfonate; salts of said acids and said amines; C₁-C₄ alkyl quaternized derivatives of said amines; low molecular weight unsaturated hydrocarbons; derivatives of said low molecular weight unsaturated hydrocarbons; and mixtures thereof;
- (B) optionally, an effective amount to soften fibers and/or soften a shape retention polymer, when present, of hydrophilic plasticizer;
- (C) optionally, an effective amount to reduce surface tension and/or to improve performance and formulatability, of surfactant;
- (D) optionally, an effective amount to absorb malodor, of an odor control agent;
- (E) optionally, an effective amount to provide olfactory effects of perfume;
- (F) optionally, an effective amount, to kill or reduce the growth of microbes, of antimicrobial active;
- (G) optionally, an effective amount to provide improved antimicrobial action of aminocarboxylate chelator;
- (H) optionally, an effective amount of solubilized, water-soluble, antimicrobial preservative; and
- (I) aqueous carrier,

said composition being essentially free of any material that would soil or stain fabric under usage conditions and having a pH of more than about 3.5; said container being in association with a set of instructions to use the composition in an effective amount to provide a solution to problems involving, and/or provision of at least one benefit related to, those selected from the group consisting of: killing, or reducing the level of, microorganisms; reducing and/or providing resistance to the formation of wrinkles in fabric; and/or reducing static in addition to the optional instructions relating to the use of the composition for reduction of odors.

61. (Amended) The article of manufacture of Claim 60 wherein said composition further comprises surfactant which is polyalkyleneoxide polysiloxane having a general formula:



wherein a + b are from about 1 to about 50, and each R¹ is the same or different and is selected from the group consisting of methyl and a poly(ethyleneoxide/propyleneoxide) copolymer group having the general formula:



with at least one R¹ being a poly(ethyleneoxide/propyleneoxide) copolymer group, and wherein n is 3 or 4; total c (for all polyalkyleneoxy side groups) has a value of from 1 to about 100; d is from 0 to about 14; c+d has a value of from about 5 to about 150; and each R² is the same or different and is selected from the group consisting of hydrogen, an alkyl having 1 to 4 carbon atoms, and an acetyl group.

63. (Amended) The article of manufacture of Claim 56 wherein said composition is a concentrated composition to be diluted for use, wherein said concentrated composition comprises from about 1% to about 20%, by weight of said concentrated composition, of said wrinkle control agent; and wherein said set of instructions [optionally] comprise an instruction to dilute said concentrated composition before use.